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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,937	06/04/2002	Martin John Charles Offa-Jones	THOM-0021	4754
23377	7590	10/21/2003	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE, 46TH FLOOR 1650 MARKET STREET PHILADELPHIA, PA 19103			BRITTAIN, JAMES R	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/070,937

Applicant(s)

OFFA-JONES, MARTIN JOHN  
CHARLES

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the United Kingdom on July 11, 2000. It is noted, however, that applicant has not filed a certified copy of the British application as required by 35 U.S.C. 119(b). Form 903 indicates that a copy of the British application has not been received. In accordance with MPEP 1893.03(c):

If applicant has not forwarded a certified copy of the priority application in time for the International Bureau to forward it to the U.S. Designated Office with the copy of the international application, then applicant will have to provide a certified copy of the priority document during the national stage to fulfill the requirement of 37 CFR 1.55(a)(2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kapperman et al. (US 6004032) in view of Bentsen (US 4673383).

Kapperman et al. (figure 11) teaches a reclosable fastener comprising a male/female 152, 154 closure between a pair of opposed base members secured to package walls 156, 158 respectively, wherein a single flange extends upwardly from the female member 154 and is inherently capable of being used for attachment of the closure to a web or film through the statement that the female profile 154 is secured to a

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package wall 158 (col. 9, lines 44-45). There are no flanges extending from either side of the base of the male member 152. The difference is that ribs are not stated as being used to secure the base member to the web or film. However, Bentsen (figures 1, 2) teaches reclosable closure structure with a flange extending to the right on the upper member in figure 1 and to the left on the lower member in figure 1 wherein ribs 17 are placed so that there is a single rib at the free end of each flange and a plurality of ribs secured to the base member under the fastening elements so as to have complete securement of the closure to the web or film through the regular placement of ribs along the width of the closure. It would have been obvious to modify the closure of Kapperman et al. so that ribs are used to secure the base member to the web or film in view of Bentsen (figures 1, 2) teaching reclosable closure structure with a flange extending to the right on the upper member in figure 1 and to the left on the lower member in figure 1 wherein ribs 17 are placed so that there is a single rib at the free end each flange and a plurality of ribs secured to the base member under the fastening elements so as to have complete securement of the closure to the web or film through the regular placement of ribs along the width of the closure. As to claim 4, Bentsen suggests placing the ribs at the margins of the base members as shown in figure 1.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kapperman et al. (US 6004032) in view of Bentsen (US 4673383) as applied to claim 3 above, and further in view of Custer et al. (US 5216787).

Further modification of the closure of Kapperman et al. such that sealant material is co-extruded on to each rib as shown by Bentsen would have in view of Custer et al.

(figure 3) teaching that it is desirable to do so in order to have a intermediate ribs 325 between the closure and adhesive ribs that act as a tie material to better match the material of the closure to that of the adhesive wherein it is desirable to have the materials co-extruded so that there is a stronger securement.

### ***Response to Arguments***

The intention to file the British priority document when received is acknowledged. The problem with granting the priority at this time is restated in the first paragraph as simply a formality awaiting correction.

Applicant's arguments filed July 11, 2003 have been fully considered but they are not persuasive. The only arguments presented in the response filed July 11, 2003 that are now pertinent are those directed to obviousness found on pages 6-8 in view of applicant's amendments to claim 1 to incorporate the subject matter of dependent claim 2 therein. However, these arguments are not persuasive because Kapperman et al. (figure 11) teaches the basis structure of a reclosable fastener comprising a male/female 152, 154 closure between a pair of opposed base members secured to package walls 156, 158 respectively, wherein a single flange extends upwardly from the female member 154 and is inherently capable of being used for attachment of the closure to a web or film through the statement that the female profile 154 is secured to a package wall 158 (col. 9, lines 44-45) and there are no flanges extending from either side of the base of the male member 152. Kapperman et al. show the basic fastener and only one flange structure. Bentsen is the reference that teaches that it is desirable in identical fasteners where each has a single flange extending to the right on the upper

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member in figure 1 and to the left on the lower member in figure 1 wherein ribs 17 are placed so that there is a single rib at the free end of each flange and a plurality of ribs secured to the base member under the fastening elements so as to have complete securement of the closure to the web or film through the regular placement of ribs along the width of the closure thereby providing greater strength of securement. As it would be advantageous to have complete securement of the closure of Kapperman et al. to the web or film it would have been obvious to modify the closure of Kapperman et al. so that ribs are used to secure the base member to the web or film in view of Bentsen (figures 1, 2) teaching reclosable closure structure with a flange extending to the right on the upper member in figure 1 and to the left on the lower member in figure 1 wherein ribs 17 are placed so that there is a single rib at the free end each flange and a plurality of ribs secured to the base member under the fastening elements so as to have complete securement of the closure to the web or film through the regular placement of ribs along the width of the closure. As to the Custer reference, it is not used to establish the single flange for attachment, Kapperman et al. and Bentsen are utilized for this purpose, it is used to show the obviousness of sealant material co-extruded on each rib.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on M, W & F 5:30-1:30, T 5:30-2:00 & TH 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'J. R. Brittain', with a stylized flourish at the end.

James R. Brittain  
Primary Examiner  
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JRB